



WEB COPY



W.P. No. 8584 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 8584 of 2018

J. Shalalet (died)

1.R. Rajendran

2.R. Jacob Nelson

3.R. Mathew Nelson

4.R. Marina Lavanya

5.R. Cathirn Lavanya

[P1 to P5 substituted as Lrs of deceased sole petitioner vide order dated 09.09.2024]

... Petitioners

Vs.

**1.The Director of Treasuries and Accounts,
Panagal Building, Saidapet,
Chennai – 600 015.**

**2.The District Collector,
Head of Empowering Committee,
Kanchipuram District.**

**3.The Joint Director of Medical and
Rural Health services Department,
Kanchipuram District.**

**4.The Joint Director,
Treasuries and Accounts Department,
District Treasury,
Kanchipuram.**



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5. The Pension Pay Officer,
PPO, Chennai – 600 006.

6. The United India Insurance Company Limited,
Registered and Head Office,
No. 24, Whites Road,
Royapettah, Chennai.

7. The MD India Health Care Services (TPA) Pvt., Ltd.,
27, Laxmi Towers, III Floor,
Dr. Radhakrishnan Salai, Mylapore,
Chennai – 600 004.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondent being the head of the Empowering Committee to consider the application for mediclaim of the petitioner by constituting Empowering Committee, for the reimbursement of hospitalization expenses amounting to Rs.2,24,579/- under the Policy issued by the sixth respondent relating to Policy PPO No. C227419 and Identity Card No. CHN/T/NHIPS14/0052676 in time bound manner.

For Petitioners : Mr. S. Rajaguru,
for Mr. R. Chandrasudan
For Respondents : Mr. G. Amedius,
Government Advocate for R1 to R5
Mr. P. Sankaranarayanan for R6

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to consider the application for mediclaim of the petitioner by constituting Empowering Committee, for the reimbursement of hospitalization expenses of a sum of Rs.2,24,579/- under the policy issued by the sixth respondent.



2. The case of the petitioner is that, she was admitted in the hospital on 06.08.2015. She suffered obstructed umbilical hernia with right colonial perforation and admitted in Annai Arul Hospital at Perungalathur for treatment. She was treated as in-patient for 10 days and operation was performed by adopting laparotomy procedure limited right hemicolectomy done under general anaesthesia and thereby intestinal obstruction was removed. She was discharged from the hospital on 15.08.2015. She had incurred a sum of Rs.2,24,579/- towards the medical and treatment expenses. As the petitioner is the member of the insurance scheme provided by the State Government, she made a claim on 07.09.2015. As the petitioner was treated in non-network hospital, the respondents did not consider the claim of the petitioner. The petitioner made several representations to the respondents and thereafter, has constrained to file this writ petition.

3. During the pendency of the writ petition, the sole petitioner died and her legal heirs are brought on record as petitioners.

4. During the course of hearing today, the learned Government Advocate would submit that the claim of the petitioner is considered by the respondents and sanctioned an amount of Rs.84,000/- and it has been disbursed to the petitioners on 04.09.2024. Learned Government Advocate would further submit that though the



petitioner claimed a sum of Rs.2,24,579/- towards medical reimbursement for her treatment, she is entitled for an amount of Rs.84,000/- only, as per the relevant Government orders applicable in this regard.

5. Learned counsel for the petitioner would submit that, as the petitioner made a claim in the year 2015 and this writ petition is filed in the year 2018, as the payment was made only in the year 2024, the petitioner is entitled for interest for the belated settlement of the claim.

6. With regard to the interest aspect, the learned Government Advocate contends that, originally the petitioner is not entitled for claim, as she took treatment in the non-network hospital. But in the light of the order passed by this Court in several matters to consider the claims of the members of the insurance scheme who took treatment in non-network hospital also, the claim of the petitioner is considered by the respondents. Learned Government Advocate further contends that the petitioner is not entitled for any interest.

7. Considering the facts and circumstances of the case, though the respondents have disbursed an amount of Rs.84,000/- to settle the claim of the petitioner on 04.09.2024, admittedly, there is a delay in settling the claim of the petitioner. Under



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these circumstances, in our considered view, it is just and necessary to direct the respondents 2, 3 and 4 to pay interest at the rate of 6% per annum from 09.04.2018 i.e., the date of filing of the writ petition to till the date of settlement of the claim i.e., on 04.09.2024 in the interest of justice.

8. For the aforesaid reasons, this Writ Petition is disposed of with the following direction: -

(i) The respondents 2, 3 and 4 are directed to pay interest at the rate of 6% per annum from 09.04.2018 i.e., the date of filing of the writ petition to till the date of settlement of the claim i.e., on 04.09.2024 to the petitioners, within a period of four weeks from the date of receipt of copy of this order.

9. There shall be no order as to costs.

09.09.2024

Index :Yes/No
Neutral Citation :Yes/No
AT



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BATTU DEVANAND, J.

AT

To

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